

HOUSE No. 560

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to campaign finance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cory Atkins	14th Middlesex
Garrett J. Bradley	3rd Plymouth
James H. Fagan	3rd Bristol
Thomas M. Stanley	9th Middlesex
James Cantwell	4th Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CAMPAIGN FINANCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 9 of chapter 53 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 21 and 22 and in line 25, the words “fifty-five A” and inserting in place thereof, in each instance, the following figure:- 55C.

SECTION 2. Section 1 of chapter 55 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of “Candidate’s committee” the following definition:-

“Clearly identified candidate”, a candidate whose name, photo or image appears in a communication or a candidate’s identity is apparent by unambiguous reference in a communication.

SECTION 3. Said section 1 of said chapter 55, is hereby further amended by inserting after the definition of “contribution” the following definition:-

“Designated contribution committee”, a political committee established for the primary purpose of accepting contributions designated by the contributor to be directed to a candidate or

candidate's committee, a party committee, or a ballot question committee, and which forwards such contributions to the designated recipient, either as a single payment of funds or as part of a payment which aggregates multiple contributions designated for a single candidate or committee, within 10 days of receipt without any exercise of discretion over the amount contributed or who shall be the designated recipient, which does not make any other contributions to candidates or committees and which does not select candidates to support on any basis other than political party, does not endorse candidates, does not advocate for or engage in any business, trade, or public policy, or any other substantive agenda other than accepting and forwarding contributions as herein specified and is not affiliated with another organization, business, association, or political committee with a substantive agenda, business, or trade.

SECTION 4. Said section 1 of said chapter 55, is hereby further amended by inserting after the definition of "Election" the following definition:-

"Electioneering Communication" shall mean any broadcast, cable, mail, satellite, or print communication that fulfills each of the following conditions: 1) the communication refers to a clearly identified candidate; and 2) the communication is publicly distributed within 90 days immediately preceding an election in which the candidate is seeking election or reelection.

SECTION 5. Said section is hereby further amended by inserting after the definition of "Expenditure" the following definition:-

"Independent expenditure", an expenditure made, or liability incurred, by an individual, group, or association for goods or services expressly advocating the election or defeat of a clearly identified candidate which is made or incurred without cooperation or consultation with any candidate, or a nonelected political committee organized on behalf of a candidate, or any agent

of a candidate and which is not made or incurred in concert with, or at the request or suggestion of, any candidate, or any nonelected political committee organized on behalf of a candidate or agent of such candidate.

SECTION 6. Said section 1 of said chapter 55, is hereby further amended by adding the following paragraph:-

The following communications are not an “electioneering communication”: 1) a communication that is disseminated through a means other than a broadcast station, radio station, cable television system or satellite system, newspaper, magazine, periodical, or billboard advertisement, or mail, provided however, that communications to less than 100 recipients shall be exempt; 2) a news story, commentary, letter to the editor, news release, column, op-ed, or editorial broadcast by a television station, radio station, cable television system or satellite system, or printed in a newspaper, magazine, or other periodical in general circulation; 3) expenditures or independent expenditures or contributions that must otherwise be reported under this chapter; 4) a communication from a membership organization exclusively to its members and their families, otherwise known as a membership communication; 5) bona-fide candidate debates or forums and advertising or promotion of the same; and 6) internet or email.

SECTION 7. Section 2 of said chapter 55, as so appearing, is hereby amended by inserting after the third paragraph, the following paragraph:-

With respect to contributions received through a designated contribution committee, the candidate shall keep a detailed account as required by this section of the initial designated contribution. The designated contribution committee through which the contribution is made

shall provide the candidate all of the information relating to the initial contributor which is required by this section to be kept within three business days after receiving the contribution.

SECTION 8. The eighth paragraph of section 3 of said chapter 55, as so appearing, is hereby amended by adding the following two sentences:- The name of a candidate who fails to file any statement or report after receiving notice under this section of such failure and who continues to fail to file such statement or report after the institution of civil proceedings under this section to compel such filing shall not appear on a state ballot after the initiation of such civil proceedings, until such time as the statement or report is filed, and the director shall inform the state secretary of such failure prior to the deadline for filing nomination papers with the state secretary for such candidate pursuant to chapter 53. Any candidate who files such statement or report with the director after the deadline for filing nomination papers with the secretary shall not be allowed on the state ballot.

SECTION 9. The eleventh paragraph of said section 3 of chapter 55, as so appearing, is hereby further amended by striking the last sentence and inserting in place thereof the following three sentences:- For a candidate who is holding elective office whose term of office is 3 or more years, for the treasurer of the political committee organized on behalf of such candidate, or for any person or entity supporting or opposing such candidate, evidence of any violation of this chapter, if submitted to the attorney general prior to the next election for the office held by the candidate that occurs after the violation, shall be submitted no later than 2 years prior to such election, and if submitted after the election, such evidence may not be submitted more than 3 years after said election. For all other persons or entities under investigation for violations relating to an identifiable election, evidence of any violation of this chapter shall be presented by the director to the attorney general only after the next relevant election, but within 3 years after

said election. If the evidence does not relate to an identifiable election, referral shall take place within 3 years of the violation.

SECTION 10. The twelfth paragraph of said section 3 of said chapter 55, as so appearing, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Said civil penalty shall be in the amount of \$25 per day; provided, however, that the maximum penalty the director may assess shall be no greater than \$5,000 for any one report, statement or affidavit which is filed later than the prescribed date.

SECTION 11. Chapter 55 is hereby amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. A political committee organized or operating on behalf of a candidate for the office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or auditor may receive, pay and expend money or other things of value for reasonable and necessary expenses directly related to the campaign of such candidate but shall not make any expenditure that is primarily for the candidate's or any other person's personal use; provided, however, that no such committee may contribute to any other political committee or to the campaign fund of any other candidate, except that such committee may contribute to a political committee of a political party, provided that: (a) the aggregate of all contributions to any one such political committee shall not exceed the sum of \$150 in any 1 calendar year; and (b) the aggregate of all such contributions shall not exceed the sum of \$2,200 in any 1 calendar year; and, provided further, that the director shall establish reasonable rules and regulations concerning such expenditures.

Any other political committee, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures; and provided, further, that such committee may contribute to other political committees and may contribute to the campaign fund of a candidate; and provided, further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to another non-elected political committee organized on behalf of a candidate shall not exceed in any 1 calendar year the sum of \$150; and provided further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to other non-elected political committees organized on behalf of candidates shall not exceed in any 1 calendar year the sum of \$2,200.

Except as otherwise provided in section 6A or 6B, a political committee not organized on behalf of an individual candidate may contribute to another political committee not organized on behalf of an individual candidate; provided, however, that the aggregate of all such contributions for the benefit of the political committees of any one political party shall not exceed in any 1 calendar year the sum of \$7,350; and provided, further, that the aggregate of all such contributions for the benefit of any one such political committee other than a political party committee shall not exceed in any 1 calendar year the sum of \$750. A political committee not organized on behalf of an individual candidate, other than a political party committee, may contribute to the campaign fund of a candidate; provided, however, that the aggregate of all such contributions for the benefit of any one candidate and such candidate's committee shall not exceed the sum of \$750 in any 1 calendar year. The political committee of a political party may contribute to the campaign

fund of a candidate; provided, however, that the aggregate of all contributions of money for the benefit of any one candidate and the non-elected political committee organized on such candidate's behalf shall not exceed in any 1 calendar year the sum of \$4,400 in the case of the state committee and the sum of \$1,500 in the case of each town or ward committee. For the purposes of the limitations established by this section, all campaign contributions made by political committees established, financed, maintained or controlled by any person, including any parent committee of a subsidiary committee or any person other than a natural person, shall be considered to have been made by a single political committee. Nothing in this section shall be construed to permit contributions to political committees which are otherwise prohibited by this chapter.

Such committee may place such funds in a savings account or money market to earn interest thereon but may not invest its funds or other things of value in any other manner.

For the purposes of this section the term "personal use" shall not include expenses relating to the provision of constituent or legislative services or to the opening or maintaining of a legislative district office, provided that said expenses are not otherwise paid, provided or reimbursed by the commonwealth or any other governmental body.

The sums referenced in this section shall be indexed biennially for inflation by the director, who, not later than December thirty-first of each even numbered year beginning with 2010, shall calculate and publish such indexed amount, using the federal consumer price index for the Boston statistical area. Such sums, after being calculated as above, shall be increased to the nearest \$50; provided, that, if such resulting amount is less than \$50, the director shall retain a

record of the resulting amount, when added to the resulting amount calculated in each even numbered year since the last adjustment was made equals or exceeds \$50.

Violation of any provision of this section or section 6A or 6B shall be punished by imprisonment for not more than 1 year or by a fine of not more than \$1,000.

SECTION 12. Said chapter 55 is hereby amended by striking out section 6A, as so appearing, and inserting in place thereof the following section:-

Section 6A. A candidate and such candidate's committee shall not accept any contribution from a political action committee if such contribution would result in such candidate and such committee together receiving from all political action committees aggregate contributions in any calendar year in excess of the following amounts:

(a) a candidate for governor, including contributions jointly to such candidate for governor and a candidate for lieutenant governor in a state election-- \$220,500;

(b) a candidate for lieutenant governor-- \$45,950;

(c) a candidate for attorney general—\$91,900;

(d) a candidate for state secretary, state treasurer, and state auditor—\$55,150;

(e) a candidate for state senator, county commissioner, governor's councillor, district attorney, clerk of courts, register of probate, registrar of deeds or any other county officer--\$27,550;

(f) a candidate for state representative--\$11,050.

The contribution limits referenced in this section shall be indexed biennially for inflation by the director, who, not later than December thirty-first of each even numbered year beginning with

2010, shall calculate and publish such indexed amount, using the federal consumer price index for the Boston statistical area. Such contribution limit, after being calculated as above, shall be rounded to the nearest \$50; provided, that, if such resulting amount is less than \$50, the director shall retain a record of the resulting amount, when added to the resulting amount calculated in each even numbered year since the last adjustment was made equals or exceeds \$50.

SECTION 13. Chapter 55 is hereby amended by striking out section 7A, as so appearing, and inserting in place thereof the following section:-

Section 7A. (a)(1) An individual may make campaign contributions to candidates or candidates' committees; provided, however, that the aggregate of all such contributions for the benefit of any one candidate and that candidate's committee shall not exceed the sum of \$750 in any calendar year.

(2) An individual may in addition make campaign contributions for the benefit of elected political committees or non-elected political committees organized on behalf of a political party; provided, however, that the aggregate of such campaign contributions for the benefit of the political committees of any one political party shall not exceed in any one calendar year the sum of \$7,350.

(3) An individual may in addition make campaign contributions to any political committee not specified in paragraph (1), (2) or (4); provided, however, that the aggregate of such campaign contributions to any one such political committee shall not exceed in any one calendar year the sum of \$750.

(4) An individual may in addition make contributions without limitation to ballot question committees.

(5) Notwithstanding any other provision of this subsection, the aggregate of all contributions from any one individual to all candidates and candidate's committees shall not exceed the sum of \$18,400 in any one calendar year;

(b) Notwithstanding any other provision of this chapter, the aggregate of all contributions by a legislative or executive agent for the benefit of any one candidate and such candidate's committee shall not exceed the sum of \$200 in any one calendar year. Notwithstanding any other provision of this chapter, the aggregate of all contributions by a legislative or executive agent to any other political committee, other than a ballot question committee, shall not exceed the sum of \$200 in any one calendar year.

(c) The contribution and aggregate amount limits referred to in this section shall be indexed biennially for inflation by the director, who, not later than December thirty-first of each even numbered year beginning with 2010, shall calculate and publish such indexed amount, using the federal consumer price index for the Boston statistical area. Such limits, after being calculated as above, shall be rounded to the nearest \$50; provided, that, if such resulting amount is less than \$50, the director shall retain a record of the resulting amount, when added to the resulting amount calculated in each even numbered year since the last adjustment was made equals or exceeds \$50.

(d) For purposes of the limitations on contributions, a contribution to a designated contribution committee which is forwarded to the designated recipient shall be treated in all respects as a direct contribution from the original contributor to the designated recipient.

SECTION 14. Section 8 of said chapter 55, as so appearing, is hereby amended by inserting after the second paragraph the following new paragraph:-

No group or association not defined as a political committee, that is funded in whole or in part by such corporation, shall make any gift, payment, expenditure, contribution or promise to give, pay, expend or contribute for use for an electioneering communication or communications, nor shall such corporation directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing for the purpose of making an electioneering communication except for a voter guide or questionnaire where all candidates running for the same office are asked the same question or questions and where all such candidates are given an equal opportunity to respond to each question or questions, provided that said questionnaire or guide does not contain additional language, images, or symbols, conveying support or opposition to the opinions of the candidates.

SECTION 15. Section 10A of said chapter 55, as so appearing is hereby amended by adding the following paragraph:-

(h) A contribution to a designated contribution committee shall not be considered a contribution made through an intermediary or conduit.

SECTION 16. Section 18 of said chapter 55, as so appearing, is hereby amended by striking out the first paragraph, and inserting in place thereof the following paragraph:-

Each candidate and each treasurer of a political committee shall, except as provided in this section and section 24, file with the director. Candidate committees organized on behalf of candidates seeking public office at a municipal election shall file with the director if the committee is organized on behalf of a candidate for mayor in a municipality with a total population, as determined by the most recent decennial federal census, of between 50,000 and 100,000 persons, or if the committee is required to file with the director by section 19. All other committees primarily organized for the purpose of a city or town election shall file reports with

the city or town clerk. A committee organized under section 5 to favor or oppose a question submitted to the voters shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election or for use in a city or town or at a state election. Reports of contributions received and expenditures made shall be filed using forms prescribed by the director.

SECTION 17. The second paragraph of said section 18 of said chapter 55, as so appearing, is hereby amended by striking clause (a) and inserting in place thereof the following clause:-

(a) by each candidate for nomination or election to the state senate or house of representatives, and by the non-elected political committee organized on behalf of such candidate, on or before: (i) the twentieth day of July complete as to the thirtieth day of June; (ii) the eighth day preceding a primary, the eighth day preceding a biennial state election, and, as a final report, the twentieth day of January in the following year complete as to the thirty-first day of December of the prior year; and (iii) the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, the thirtieth day following a special election, and, as a final report, the twentieth day of January in the following year complete as to the thirty-first day of December of the prior year.

SECTION 18. Clause (h) of said second paragraph of said section 18 of said chapter 55, as so appearing, is hereby amended by adding the following sentence:- Candidates for the state senate or house of representatives, the nonelected political committees organized on behalf of such candidates, and all other political committees that file reports with the director which are not otherwise required to file reports on the twentieth day of July, with the exception of political committees that file in accordance with section 19, ballot question committees, political party

committees, and political committees not required to file with the director, shall also file mid-year reports on or before the twentieth day of July in each year.

SECTION 19. The third paragraph of said section 18 of said chapter 55, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- For all candidates and all political committees, if said report is not an initial report, the reporting period of such reports required to be filed on or before the twentieth day of July in each year shall commence on the first day of January of that year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the thirtieth day of June of said year. The reporting period for the report required to be filed on or before the twentieth day of January in each year shall commence on the first day of July of the prior year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the thirty-first day of December of said prior year.

SECTION 20. Said section 18 of said chapter 55, as so appearing, is hereby further amended by inserting after the thirteenth paragraph the following paragraph:-

In addition, each year-end campaign finance report filed by a candidate or non-elected political committee required to designate a depository by section 19, who also maintains or who has maintained a savings account or accounts or a money market account or accounts, shall include, for each reporting period, the total amount of transfers from the designated depository account into each such account, interest earned by each such account, transfers from each such account, if any, held by the candidate or political committee during the reporting period, and the balance in each such account at the end of the reporting period. Nothing in this section shall

authorize a transfer made from such savings or money market accounts to an account other than the depository account established by a candidate or committee in accordance with section 19.

SECTION 21. Said section 18 of said chapter 55, as so appearing, is hereby further amended by striking out, in line 253, the words “the Local Aid Fund” and inserting in place thereof the words:- the General Fund.

SECTION 22. Said section 18 of said chapter 55, as so appearing, is hereby further amended by adding the following two paragraphs:-

With respect to contributions received by a designated contribution committee and forwarded to the intended recipient which are subject to the reporting requirements of this section, the designated contribution committee shall report the initial contributor’s information with a notation indicating the name of the candidate or committee designated as the intended recipient of the contribution. Multiple contributions forwarded to the same designated recipient in a single aggregated payment shall be reported by the designated contribution committee as if they were separate individual payments and shall indicate the name of the initial contributor of each.

A candidate or committee receiving contributions from a designated contribution committee shall also report the initial contributor’s information just as if the contribution were a direct contribution from the contributor to the candidate. The designated contribution committee through which the contribution is made shall provide the designated recipient with the information relating to the initial contributor which is required to be reported pursuant to this section within 3 business days after receiving the contribution.

SECTION 23. Said chapter 55 is hereby further amended by striking out section 18A, as so appearing, and inserting in place thereof the following section:-

Section 18A. (a) Every individual, group or association not defined as a political committee, who makes an independent expenditure or expenditures in an aggregate amount exceeding \$250 during any calendar year for the express purpose of promoting the election or defeat of any candidate or candidates shall file with the director, except as provided in subsection (c), within 7 business days after the goods and services for which the independent expenditure was made are utilized to advocate the election or defeat of a clearly identified candidate, on a form prescribed by the director, a report stating: the name and address of the individual, group or association making the independent expenditure or expenditures; the name of the candidate or candidates whose election or defeat the expenditure promoted; the name and address of the person or persons to whom the expenditure or expenditures were made; the total amount or value; and the purpose and the date of the independent expenditure or expenditures.

(b) In addition to any reports required by subsection (a), any individual, group, association or political committee that makes an independent expenditure in an aggregate amount exceeding \$250 after the tenth day, but more than 24 hours, before the date of any election, shall file a preliminary report within 48 hours of making the independent expenditure or expenditures, disclosing the name and address of the individual, group or association making the expenditure or expenditures; the name of the candidate or candidates whose election or defeat the expenditure promoted; the name and address of the person or persons to whom the independent expenditure or expenditures were made; and the purpose and the date of the expenditure or expenditures. Said individual, group, association or political committee shall file an additional preliminary report within 48 hours after each time the individual, group, association or political committee makes additional independent expenditures aggregating an additional \$250 with respect to the same

election as that to which the initial report relates, and shall also file any report required by subsection (a).

(c) The reports required by this section shall be filed with the director as outlined in section 18C if expenditures are made to promote the election or defeat of any candidate who files with the director. Reports required by this section shall be filed with the city or town clerk if the expenditures are made to promote the election or defeat of any candidate seeking public office at a city or town election who does not file with the director.

(d) Violation of any provision of this section shall be punished by imprisonment for not more than 1 year or by a fine of not more than \$5,000.

SECTION 24. Subsection (b) of section 18C of said chapter 55, as so appearing, is hereby amended by inserting after the figure \$10,000, in line 19, the following words:- ; or (4) every individual, group, or association who makes an independent expenditure or electioneering communication expenditure in an aggregate amount exceeding \$250 during any calendar year.

SECTION 25. Said section 18C of said chapter 55, as so appearing, is hereby amended by inserting after the word “under”, in line 21, the following words:- clause (1), (2) or (3) of.

SECTION 26. Subsection (b) of said section 18C of said chapter 55, as so appearing, is hereby amended by adding the following five clauses:-

(4) Every political committee organized on behalf of a candidate that files with the director, and every ballot question committee that files with the director, which receives a contribution in the amount of \$500 or more after the eighteenth day, but more than 24 hours, before the date of a

special, primary or general election, shall file a report to disclose the information required by this chapter, within 48 hours of receiving such contribution.

(5) Every state committee referred to in section 1 of chapter 52 and required to designate a depository by section 19, which receives a contribution in the amount of \$5,000 or more after the eighteenth day, but more than 24 hours, before the date of a special, primary or general election, shall file a report to disclose the information required by this chapter, within 48 hours of receiving such contribution.

(6) For any political committee required to file campaign finance reports electronically with the director, any reports filed pursuant to section 18D made to disclose expenditures by vendors of the committee to subvendors.

(7) Any individual, group, association or political committee that is required to file a report of independent expenditures with the director in accordance with subsections (a) or (b) of section 18A.

(8) Each candidate's committee organized on behalf of a candidate for mayor in a municipality with a total population, as determined by the most recent decennial federal census, of between 50,000 and 100,000 persons, if the committee, during the election cycle, can reasonably expect to raise or spend more than \$5,000.

SECTION 27. Said chapter 55 is hereby further amended by inserting after section 18C the following section:-

Section 18D. (a) For the purpose of this section, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

“Expenditure”, any payment made or liability incurred by a vendor on behalf of a political committee.

“Subvendor”, a person or entity that provides goods or services to a vendor or who contracts with a vendor to provide goods or services to a committee.

“Vendor”, any person or entity, such as a consultant, who provides goods or services to a political committee that files with the director and either receives or is promised \$5,000 or more in the aggregate during a calendar year by the committee for such goods or services, or contracts with another on behalf of the committee for such goods or services valued at \$5,000 or more in the aggregate to be provided to the committee.

(b) A vendor that makes an expenditure on behalf of a political committee shall provide the political committee with a detailed account of the expenditure including but not limited to the date of the expenditure, the payee, the full name and address of the subvendor, the purpose of the expenditure, and the amount of the expenditure, within 5 days of making such expenditure.

(c) A political committee that makes a payment to a vendor or incurs a liability to a vendor shall file reports with the director disclosing the full name and address, listed alphabetically, of each subvendor receiving payments of more than \$500 in the aggregate during a calendar year from the vendor, and of each subvendor to whom a liability of more than \$500 was incurred. The contents of such report shall include the information required by section 18 and be disclosed on a form prescribed by the director.

For committees required to designate a depository account under section 19, the reports must be filed on or before the fifth day of each month covering the preceding month; for other committees, the report must be filed in accordance with the schedule established by section 18.

(d) Vendors shall keep detailed accounts of all expenditures made on behalf of political committees.

SECTION 28. Said chapter 55, as so appearing, is hereby amended by inserting after section 18D the following new section:-

Section 18E. Every individual, group or association not defined as a political committee, who makes an electioneering communication expenditure or expenditures, in an aggregate amount exceeding \$250, shall electronically file with the director, within 7 business days after making such an expenditure, a report stating the name and address of the individual, group or association making the electioneering communication; the name of the candidate or candidates clearly identified in the communication; the total amount or value of the communication; the name and address of the vendor to whom the payments are made; and the purpose and date of the expenditure or expenditures. In addition, any individual, group, or association not defined as a political committee, who makes an electioneering communication expenditure or expenditures, in an aggregate amount exceeding \$250 during any calendar year, who receives funds for the purpose of making such electioneering communications shall include in said electronic filing the date the funds were received and the name and address of the provider of any such funds in excess of \$200, if any. The reports required by this section shall be filed with the director as outlined in section 18C if expenditures are made to promote the election or defeat of any candidate who files with the director. Reports required by this section shall be filed with the city or town clerk if the expenditures are made to promote the election or defeat of any candidate seeking public office at a city or town election who does not file with the director.

Any person, group or association that makes or contracts to make electioneering communications aggregating \$250 or more within 10 days prior to the date of an election shall file a report containing the information required by this section within 48 hours of making such expenditure.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than \$5,000.

SECTION 29. Section 22 of said chapter 55, as appearing in the 2008 Official Edition, is amended by striking out, in line 1, the word “The” and inserting in place thereof the following:-
Any person or the.

SECTION 30. Said section 22 of said chapter 55, as so appearing, is hereby further amended by inserting after the word “Any”, in line 38, the following words:- person or.

SECTION 31. Section 22 of said chapter 55, as so appearing, is hereby further amended by inserting, after the word “such” in lines 17, 31 and 41 the following words:- person or.

SECTION 32. Chapter 55 of the General Laws is hereby amended by inserting after section 22A the following section:-

Section 22B. (a) As used in this section “governing body” shall mean, in a city, the city council or board of aldermen acting with the approval of the mayor subject to the charter of the city, in a town having a town council, the town council, in every other town the board of selectmen, and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the prudential committee, if any, otherwise the commissioners of the district.

(b) The governing body of a city, town or district which accepts this section in the manner provided in section 4 of chapter 4 shall print information relating to each question that will appear on the city, town or district ballot. The information shall include: (1) the full text of

each question; (2) a fair and concise summary of each question, including a 1-sentence statement describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for the city, town or district; and (3) arguments for and against each question as provided in subsections (d) and (e). Not later than 7 days before an election at which the question will be submitted to the voters in a city, town or district, the information in this subsection shall be sent to each household wherein a person whose name appears on the current voting list for the city, town or district resides.

(c) Not later than the day following the date of the determination that a question will appear on the ballot in an election, the governing body shall provide written notification to the city solicitor or town or district counsel and to the city or town clerk.

(d) Not later than 7 days after the determination that a question shall appear on the ballot, the city, town or district solicitor or counsel, as applicable, shall seek written arguments from the principal proponents and opponents of the question. The principal proponents and opponents of a question shall be those persons determined by the solicitor or counsel to be best able to present the arguments for and against the question. The solicitor or counsel shall provide not less than 7 days' written notice to the opponents and proponents of the date on which the written arguments shall be received. Proponents and opponents shall submit their arguments, which shall be not more than 150 words, to the solicitor or counsel, together with a copy thereof to the city or town clerk or, in a district, to the clerk of each city and town within the district. The arguments and summary shall be submitted by the solicitor or counsel to the governing body not more than 20 days before the election for distribution to voters in accordance with subsection (b). A copy of the arguments and summary shall also be submitted by the solicitor or counsel to the city or town clerk or, in the case of a district, to the clerk of each city or town within the district.

(e) In determining the principal proponents and opponents of a ballot question, the solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1. The principal proponents or opponents of a ballot question may include officers of a ballot question committee or officers of a city, town or district office or committee including, but not limited to, a finance committee or a school committee. In addition, the principal proponents or opponents may include the first 10 signers or a majority of the first 10 signers of any petition initiating the placement of such question on the ballot. The solicitor or counsel shall determine, based on a review of arguments received, the person or group best able to present arguments for and against a question. If no argument is received by the solicitor or counsel within the time specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and submit the argument to the governing body and to the city or town clerk or, in a district, to the clerk of each city and town within the district, within the time specified in subsection (d).

(f) All arguments filed or prepared pursuant to this section, and the information prepared pursuant to subsection (b), shall be open to public inspection at the office of city or town clerk or, in a district, at the office of the clerk of each city and town within the district. In addition, each city or town clerk shall make such information available to the voters at all polling places within the city, town or district.

(g) No person may use state, municipal or other public resources for the purpose of aiding, promoting, preventing, antagonizing, influencing or affecting the vote on any question submitted to the voters unless such person has been authorized under this section or any other general or special law to so act. Nothing in this section prohibits an elected public official from speaking, campaigning, or otherwise promoting or opposing any question, provided such official

does not, unless otherwise authorized by a general or special law, use public resources for such purposes.

SECTION 33. Section 24 of said chapter 55, as so appearing, is hereby amended by inserting after the word “office”, in line 3, the following words:- , other than a municipal office for which a candidate is required to file with the director in accordance with section 18C or section 19.

SECTION 34. Said section 24 of said chapter 55, as so appearing, is hereby further amended by inserting after the word “statement”, in lines 1, 4, 5, 8, 9, and 12, the following words:- or report.

SECTION 35. Said section 24 of said chapter 55, as so appearing, is hereby further amended by inserting after the word “statements”, in lines 13 and 14, the following words:- and reports.

SECTION 36. Said chapter 55 is hereby further amended by striking out section 29, as so appearing, and inserting in place thereof the following section:-

Section 29. Upon failure to file a statement, report or affidavit within 10 days after receiving notice under section 28, the city or town clerk, as the case may be, shall notify the director thereof and shall furnish him with copies of all papers related thereto and the director, if satisfied there is cause, shall assess a penalty and may refer the person or committee to the attorney general pursuant to section 3. If any statement filed with the city or town clerk, as the case may be, discloses any violation of this chapter, such city or town clerk shall notify the director thereof and shall furnish him with copies of all papers relating thereto. The director shall examine every such case referred to him by such clerk and may refer such cases to the attorney general in accordance with section 3. If satisfied that there is cause, the attorney general shall, in the name of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the proper district attorney for such actions as may be appropriate. Any city or town clerk shall at

any time upon the request of the attorney general or the director forward any evidence or information received by such clerk to the attorney general or director for whatever action the attorney general or director deems appropriate pursuant to law.

SECTION 37. Section 1A of chapter 55C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) On or before the last day for filing that candidate's nomination papers with the state secretary pursuant to chapter 53, every candidate for statewide elective office shall file with the director a statement, in a form prescribed by the director, that the candidate does or does not agree:

(1) in the case of primary candidates, to abide by the following limits on expenditures for the following elective offices in the campaign for the state primary:

(b) Governor \$2,205,000;

(c) Lieutenant Governor 918,750;

(d) Attorney General 918,750;

(e) Secretary 551,250;

(f) Treasurer and Receiver General 551,250;

(g) Auditor 551,250; and

(h) (2) in the case of all candidates for statewide elective office, to abide by the following limits on expenditures for the following elective offices in the campaign for the state election:

(i) Governor and Lieutenant Governor \$2,205,000;

(j) Attorney General 918,750;

(k) Secretary 551,250;

(l) Treasurer and Receiver General 551,250; and

(m) Auditor 551,250.

The amounts referenced in this subsection shall be indexed on a quadrennial basis for inflation by the director, who, not later than December thirty-first of every fourth year beginning with 2012 shall calculate and publish such indexed amount, using the federal consumer price index for the Boston statistical area. Such limits, after being calculated as above, shall be rounded to the nearest \$50; provided, that, if such resulting amount is less than \$50, the director shall retain a record of the resulting amount, when added to the resulting amount calculated in each even numbered year since the last adjustment was made equals or exceeds \$50.

The name of a candidate who fails to file any statement within the time required by this subsection shall not appear on the state primary ballot or on the state election ballot, and the director shall inform the state secretary of any such failure.

SECTION 38. Section 4 of said chapter 55C, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:-Determination and certification of the eligibility of candidates shall be made by the director on the eighth Tuesday before the primary and shall be based solely upon information contained in such statements as have been filed by candidates. Candidates for governor seeking public financing must file the statement on or before the Friday that is 11 days preceding said eighth Tuesday and other candidates seeking public financing must file said statements on or before the Friday next preceding said eighth Tuesday.

539 SECTION 39. The second paragraph of section 6 of said chapter 55C, as so appearing, is
540 amended by striking out the last sentence and inserting in place thereof the following two
541 sentences:- Determination and certification of the eligibility of candidates shall be made by the
542 director on the fourth Tuesday before the state election and shall be based solely upon
543 information contained in such statements as have been filed by candidates. Candidates for
544 governor and lieutenant governor seeking public financing must file the statement on or before
545 the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public
546 financing must file said statements on or before the Friday next preceding said fourth Tuesday.

547 SECTION 40. This act shall take effect on January 1, 2010.